

FILED

No. 02-30326

FEB 18 2005

IN THE UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

COPY

UNITED STATES OF AMERICA,)

Plaintiff-Appellee,)

v.)

ALFRED ARNOLD AMELINE,)

Defendant-Appellant.)

D.C. No. Cr. 02-00011 SEH

On Appeal From The United States District Court
For The District of Montana

MOTION FOR SUBSTITUTION OF COUNSEL

Brian P. Fay
Angel, Coil & Bartlett
125 W. Mendenhall
Bozeman, Montana 59715
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Facsimile: (406) 585-7654

Attorney for Appellant
ALFRED ARNOLD AMELINE

No. 02-30326

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)

Plaintiff-Appellee,)

v.)

ALFRED ARNOLD AMELINE,)

Defendant-Appellant.)

D.C. No. Cr. 02-00011 SEH

**MOTION FOR SUBSTITUTION OF
COUNSEL**

Pursuant to Rule 27, Federal Rules of Appellate Procedure, appellant,

ALFRED ARNOLD AMELINE, by and through his attorney Brian P. Fay, hereby
moves the Court to approve the substitution of Steven F. Hubachek for and in
place of Brian P. Fay as attorney for appellant.

Section 3006A of Title 18 of the United States Code provides for
appointment of counsel for any financially eligible person who is charged with a
felony. 18 U.S.C. § 3006A(a)(1)(A). Mr. Ameline was represented by Mr. Fay,
who was appointed under the Criminal Justice Act in the district court, and Mr.
Ameline continues to be financially eligible. This Court has ordered a reply to the
petition for rehearing to be filed on an expedited basis and, because of Mr. Fay's

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responsibilities in other cases, he is unable to comply with the expedited briefing schedule.

Mr. Hubachek is able to file a reply brief pursuant to the expedited schedule, and has appeared before this Court on many occasions.

Accordingly, the undersigned requests the Court appoint the Office of the Federal Defender, and Steven F. Hubachek, Assistant Federal Defender, Federal Defenders of San Diego, Inc., 225 Broadway, San Diego, California 92101, telephone (619) 685-3731, facsimile (619) 687-2666, to represent appellant on this appeal.

CONCLUSION

For the foregoing reasons, Appellant requests this Court appoint the Office of the Federal Defender and Mr. Hubachek to represent him on appeal.

Dated: February 17, 2005

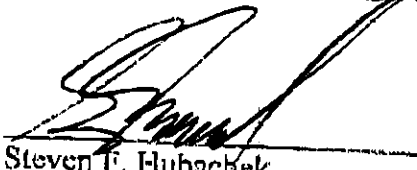
Respectfully submitted,


BRIAN P. FAY

Attorney for Appellant
ALFRED ARNOLD AMELINE

I consent to the substitution.

Dated: February 17, 2005


Steven F. Hubachek
Assistant Federal Defender

No. 02-30326

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,)	
)	
Plaintiff-Appellee,)	D.C. No. Cr. 02-00011 SEH
)	
v.)	CERTIFICATE OF SERVICE
)	
ALFRED ARNOLD AMELINE,)	
)	
Defendant-Appellant.)	
)	
_____)	

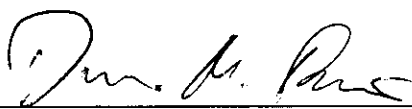
I, the undersigned, hereby certify that I am a person of such age and discretion as to be competent to serve papers.

On February 17, 2005, I served a true and correct copy of the attached MOTION FOR SUBSTITUTION AS COUNSEL as follows:

BY FEDERAL EXPRESS:

MICHAEL A. ROTKER
Attorney
United States Department of Justice
Criminal Division, Appellate Section
601 D Street, N.W., Suite 6206
Washington, DC 20530

I declare under penalty of perjury that the foregoing is true and correct.



David M. Porter